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Rulemaking 18-12-006
(Filed December 13, 2018)

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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue the
Development of Rates and Infrastructure for Vehicle
Electrification.

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) (Filed December 13, 2018)
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**OPENING COMMENTS OF THE
JOINT COMMUNITY CHOICE AGGREGATORS**

In accordance with the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), and the email ruling of assigned Administrative Law Judge (“ALJ”) Doherty, dated January 29, 2019, the Joint Community Choice Aggregators (“Joint CCAs”) submit these opening comments on the *Order Instituting Rulemaking to Continue the Development of Rates and Infrastructure for Vehicle Electrification* (“OIR”), issued on December 19, 2018.¹

I. INTRODUCTION

The Joint CCAs commend the Commission for instituting this proceeding to continue and expand upon “the Commission’s historical work to support clean transportation....”² Much has changed since the Commission first started this work in 2009, including the emergence and recent prevalence of Community Choice Aggregation (“CCA”) programs. CCA programs are strong supporters of transportation electrification (“TE”) efforts and are accelerating progress towards achieving California’s goals.

As further discussed herein, Community Choice Aggregators are essential partners in TE efforts because of their strategic partnerships with city and county governments, bringing local

¹ The Joint CCAs consist of Marin Clean Energy (“MCE”), Sonoma Clean Power (“SCP”), California Choice Energy Authority (“CalChoice”), Silicon Valley Clean Energy (“SVCE”) and Peninsula Clean Energy (“PCE”).

² OIR at 2.

knowledge, expertise, and support to encourage and incentivize fuel-switching. The Joint CCAs urge the Commission through this rulemaking to recognize and encourage the important role CCA programs can play to increase TE deployment as local, not-for-profit electricity generation providers. Giving CCA programs a more prominent role in ratepayer-funded TE efforts will allow the Commission to leverage the organic connections CCA programs have to their local communities and government agencies. Furthermore, active involvement by CCA programs will expand TE growth that may not have otherwise occurred absent an energized and engaged local focus. The Joint CCAs envision this involvement as a complementary element to the investor-owned utilities' ("IOUs") efforts. The Joint CCAs have been encouraged by the Commission's recent authorization of funding for similar complementary efforts provided by Community Choice Aggregators, and the Joint CCAs look forward to advancing a similar type of funding construct in this proceeding.

The Joint CCAs are already operating a number of unique and innovative TE programs in their respective communities. The following is a brief description of these efforts.

A. MCE

MCE was the first CCA program to provide electricity service in California. It began serving retail generation customers in 2010, and currently serves over 470,000 customer accounts. MCE's purpose is to address climate change by reducing energy related greenhouse gas ("GHG") emissions and securing energy supply, price stability, energy efficiency and local economic and workforce benefits.³ Facilitating the adoption and usage of Electric Vehicles ("EVs"), and also promoting TE more broadly, fits squarely within MCE's mission statement.

MCE's governing board is comprised of elected officials from each of the communities participating in the CCA program. Many of these elected officials also serve on boards for local

³ See <http://www.mcecleanenergy.org/about-us/>.

urban planning, transit, and transportation planning agencies. As a result of successful multiagency collaboration, Marin Transit recently acquired two all-electric buses for a pilot program.⁴ MCE also administers the MCEv Charging program, a rebate program which offers up to 100% on hardware and installation costs for EV charging stations.⁵ MCE's EV Charging Program covers both large and small charging stations (from 2 to 20+ charging ports), so properties of any size can benefit.⁶ This program allows customers to choose who pays for the electricity by either charging for usage or offering free usage as a benefit to employees or tenants.⁷ Additionally, MCE offers both flat EV rates as well as rates that vary based on the time of day when a car is charged, with incentives for charging during off-peak usage hours, such as at night when charging is least expensive.⁸

B. SCP

SCP is the second CCA program in California, and is currently serving about 226,000 customer accounts. The reduction of GHG emissions in Sonoma County is set forth in SCP's joint powers agreement as one of the primary reasons for SCP's formation. SCP sees TE as absolutely critical to California's GHG reduction efforts and has already taken significant steps to encourage TE. For example, SCP has a program called Drive EverGreen, which has already deployed over 1200 EVs through its incentive programs over the past three years. SCP offers customers up-front incentives, though the majority of savings – which average over \$10,000 per vehicle – come from dealer cost reductions in exchange for SCP's targeted marketing. SCP also offers heavily-discounted EV chargers to customers, of which over 1,700 have been deployed.

⁴ See <https://marintransit.org/projects/two-battery-electric-buses>.

⁵ See https://www.mcecleanenergy.org/wp-content/uploads/2018/08/EVSE-overview-flyer_FINAL.pdf.

⁶ *Id.*

⁷ *Id.*

⁸ See <https://www.mcecleanenergy.org/ev-charging/>.

The program also provides incentives for customers to purchase Level 2 EV chargers that are “grid-enabled.” SCP hopes that its EV-charger incentives will facilitate the development of a “grid enabled” EV charging infrastructure that can help balance grid supply and demand and potentially use EV charging as a load “sink” for midday solar power production.

C. CalChoice and LCE

CalChoice is a California joint powers authority initially formed by the cities of Lancaster and San Jacinto, with expanding membership available to other cities interested in implementing CCA programs using services provided by CalChoice. Lancaster’s CCA program, Lancaster Choice Energy (“LCE”), has already made significant progress with TE and EV efforts and programs. For example, LCE is actively involved with the Antelope Valley Transit Authority (“AVTA”), which is currently converting its diesel buses to a 100 percent battery electric bus fleet. AVTA will complete the conversion of its fleet of 75 buses to all-electric by the end of June to become the first zero-emission fleet in North America.⁹ LCE incentivized this transition to an all-electric bus fleet by offering a special EV rate to AVTA. Furthermore, Build Your Dreams, (“BYD”), the world’s largest manufacturer of EV buses, located its electric bus manufacturing facility in Lancaster in 2013. Lancaster currently owns and operates twenty-nine EV charging stations and ten of these stations provide free charging for public use. Lancaster is investigating how these stations may be used as part of important demand response programs to be operated by LCE. To further advance EV charging efforts, Lancaster collaborated with ebee Smart Technologies to deploy an innovative street light EV charging pilot project in Lancaster.

⁹ See <https://www.thefourth-revolution.com/buses/small-bus-fleet-first-in-north-america-to-go-all-electric/>.

D. PCE

PCE is the fifth CCA program formed in California. PCE commenced service in October 2016 and currently supplies electricity to approximately 300,000 customers. PCE is committed to serving all of its customers clean affordable electricity with the goal of its energy supply being 100% GHG-free by 2021 and sourced from 100% RPS-eligible resources by 2025. However, the majority of GHG-emissions within San Mateo County (PCE's service territory) come from transportation and natural gas use within the built environment. Thus, PCE is already developing programs to directly reduce emissions from these sources. On the TE front, PCE is offering a suite of programs:

- **EV Charging Infrastructure Incentive Program** – On December 20, 2018, PCE's Board of Directors approved a \$16 million program to accelerate EV charging infrastructure deployment in workplaces, apartments and condominiums, and retail locations. PCE's staff is currently developing the program and anticipates it will rollout this summer. The goal of this four-year program is to meet the TE targets outlined by former Governor Jerry Brown in Executive Order B-16-12 by 2025.¹⁰ To that end, this program will support the deployment of approximately 3,500 chargers across San Mateo County.
- **Drive Forward Plus Program** – PCE is also developing a plug-in hybrid electric vehicle ("PHEV") program for low- and moderate-income San Mateo County residents in partnership with Peninsula Family Services which operates the Drive Forward Program. PCE anticipates that the program will provide a \$4,000 incentive to support the purchase of a used PHEV. The program will align with the state's Clean Vehicle Assistance Program when it restarts in the second or third quarter of 2019. At that time, the incentive is intended to be applied through a loan interest buy-down, loan prepayment or cost of charging reduction.
- **Easy Charge Apartments Program** – PCE offers a technical assistance program to owners of multi-unit buildings to help them navigate the numerous programs that are available. The program includes free site assessments, guidance on apartment policies and linkage to existing programs supporting deployment of EV chargers.
- **2018 Ride and Drive Campaign** – During 2018, PCE offered "Ride and Drives" at a mix of open community and corporate events that generated over 1,000 EV experiences. PCE developed this program because research showed that consumer

¹⁰ See Executive Order B-16-12, which called for 1.5 million zero-emission vehicles ("ZEVs") on California roads by 2025; see also Executive Order B-48-18, which calls for 5 million ZEVs by 2030 and the installation of 250,000 EV chargers and 200 hydrogen refueling stations by 2025.

understanding of the opportunity to convert to an EV is very low. Simply put, people will not buy what they do not understand or do not even know exists. This program is designed to address that knowledge gap. PCE anticipates this program will continue in 2019.

- New EV Promotion – During the last quarter of 2018, PCE offered a point-of-sale EV promotion program in partnership with local EV dealerships. By bringing demand to the dealership, PCE was able to secure significant dealer and manufacturer discounts, which combined to an average discount of \$5,300 towards the purchase of a new EV. In addition to these dealer/Original Equipment Manufacturer discounts, PCE offered an additional \$1,000 rebate. PCE is currently evaluating program results to inform the next phase of this program.
- Community Car Sharing Pilot Program – As part of PCE’s Community Pilots Program, PCE is developing a community carsharing pilot program with Envoy Technologies wherein Envoy will deploy three EVs at an apartment community in one of PCE’s disadvantaged communities. The pilot is designed to evaluate the community vehicle concept as part of Envoy’s larger efforts across the country.

E. SVCE

SVCE was formed in March 2016 and officially launched in April 2017 as the sixth operational CCA program in California. SVCE serves about 268,000 customers in 12 municipalities and Santa Clara County with clean power. SVCE has delivered on its promise to supply carbon-free electricity at competitive rates. Clean electricity from SVCE’s carbon-free sources has contributed to a dramatic 21% reduction in area-wide carbon emissions from 2015 levels. In December 2018, SVCE's Board adopted a Decarbonization Strategy and Programs Roadmap (“Roadmap”) that sets ambitious goals to further reduce energy-related GHG emissions from 2015 baseline levels to 30% by 2021, 40% by 2025 and 50% by 2030. The Roadmap provides detailed initiatives to help local communities, businesses and individuals further reduce carbon emissions, including from transportation. In addition to offering EV rates to its customers, SVCE anticipates Board approval of its mobility programs in mid-February. These include \$8 million in committed funds for EV infrastructure incentives, and approximately \$3 million in additional funds to support education and outreach, innovation, grid integration, and new construction EV reach code development to spur TE market transformation.

II. COMMENTS ON THE OIR

As local governmental agencies that engage in close collaboration with other local agencies, Community Choice Aggregators are uniquely poised to implement TE programs in their respective service areas and contribute lessons learned to inform future policy and programs to accelerate TE efforts.¹¹ CCA programs offer an added communication channel to members of the communities they serve and can deliver EV tariffs, customer education, charging services, recruit charging hosts and support infrastructure deployment. Community Choice Aggregators are also well-equipped to offer TE programs that meet unique local needs and that complement, but do not duplicate, the IOUs' TE programs. Accordingly, the Joint CCAs urge the Commission to ensure that the Transportation Electrification Framework ("TEF") envisioned in the OIR gives Community Choice Aggregators the ability to access funds for TE programs that support the overall goals set by the Commission and that rely on Community Choice Aggregators' local expertise and unique advantages. As further described below, models exist through Commission orders for this form of funding – funding that ensures Commission oversight, collaboration with the IOUs, and equitable treatment for contributions made by Community Choice Aggregators.

As noted in the OIR, since the institution of R.13-11-007, the IOUs have proposed more than \$2 billion in TE programs, and to date, the Commission has authorized more than \$1 billion in spending.¹² As the Commission is aware, many forecasts indicate that by 2020, the majority

¹¹ California's cities were among the first stakeholders to begin planning for and promoting EV adoption. In 2011 the Plug-in Electric Vehicle ("PEV") Collaborative, South Coast Association of Regional Governments ("SCAG"), South Coast Air Quality Management District ("SCAQMD") and other regional government bodies secured \$2.2M in state and federal grants to fund community PEV readiness plans throughout California. SCAG and SCAQMD contracted with the Luskin Center at UCLA to prepare plans that provide foundational information and detail the breadth of activities that motivated cities can, and some instances already were undertaking, to remove barriers and actively encourage PEV adoption. These include land-use planning and zoning, parking regulations and enforcement, local building ordinances, permitting and inspections, and public education.

¹² OIR at 7.

of customers in Pacific Gas and Electric Company's ("PG&E") and Southern California Edison's ("SCE") service areas will likely be served by a CCA program.¹³ In the context of TE initiatives, the Commission has previously directed the IOUs to consult with Community Choice Aggregators in order to identify ways by which CCA programs could be included in the IOUs' applications.¹⁴ Notwithstanding this encouragement, the IOU applications since the ACR have, as a general matter, failed to meaningfully incorporate CCA programs or their customers.¹⁵

Nevertheless, as detailed above, the CCA Parties have remained committed to promoting widespread TE deployment in order to reduce GHGs, and the Joint CCAs have developed a number of innovative programs in pursuit of this goal. As the Commission seeks to establish a common and comprehensive framework for evaluating TE investments through its TEF, the Joint CCAs ask the Commission to further empower Community Choice Aggregators to offer their customers efficacious and cost-effective TE programs at scale. The Commission's TEF should leverage Community Choice Aggregators' local expertise, local relationships, and shared motivations to help California meet its TE goals and to ensure that TE efforts equitably meet the needs of all Californians.

¹³ See PG&E's Application 17-12-011 at 5, footnote 10 ("By 2019, CCA's in PG&E's service territory are projected to be serving over 2 million of the PG&E customers expected to be eligible for default TOU, and only about 600,000 eligible customers would not be served by a CCA. . ."); *see also* the Clean Power Alliance Implementation Plan Addendum Number 3 *available at* https://cleanpoweralliance.org/wp-content/uploads/2018/12/CPA-Implementation-Plan-Addendum-3_20181219.pdf.

¹⁴ See, e.g., *Assigned Commissioner's Ruling Regarding the Filing of the Transportation Electrification Applications Pursuant to Senate Bill 350*, dated September 14, 2016, in R.13-11-007 ("ACR") at 10 ("We encourage the electric utilities to consult with any CCAs in their territory to both determine how independently-funded CCA TE programs can be leveraged and incorporated into their applications and how utilities can ensure their proposed TE programs will serve CCA customers."). See *also* Decision ("D.") 18-12-006, dated December 13, 2018, in A. 14-10-014 at 15 ("[W]e look forward to seeing more collaboration efforts amongst SCE and CCAs in the pending Phase 2 application.")

¹⁵ See, e.g., *Protest of the California Choice Energy Authority*, in A.18-06-015, dated August 9, 2018, at 4-5.

A. The Commission Should Leverage CCA Programs to Help Achieve California’s TE Goals by Allowing Community Choice Aggregators to Access Funding for EV Programs.

The Joint CCAs recommend that the Commission, as a part of the TEF, develop a framework through which CCA programs are able to access funding collected from all ratepayers in order to develop and deploy TE and EV programs with a localized focus. As described earlier, the Joint CCAs are already pursuing a myriad of TE programs in their service territories. Many if not most of the Joint CCAs’ programs are tailored to meet unique local needs and leverage the Joint CCAs’ local relationships. Community Choice Aggregators are well positioned to understand and target local impediments to EV adoption. By contrast, many of the IOUs’ TE programs are, by necessity, designed to meet the needs of broad swathes of customers across their large service territories. Community Choice Aggregators should be empowered to supplement and complement the IOUs’ “one-size, fits-all” TE programs with localized TE programs or elements. To do so, Community Choice Aggregators should be permitted to access the same funding sources that the IOUs rely on for their TE programs.

Access to funding is appropriate in this context. Community Choice Aggregators are committed and motivated partners in achieving California’s ambitious TE goals. Community Choice Aggregators exist to meet the clean energy goals of the communities that created them and accelerating widespread TE is consistent with those goals. Accordingly, the Joint CCAs encourage the Commission to leverage the Community Choice Aggregators’ shared commitment to TE, as well as their local expertise and local relationships, to help achieve California’s goals.

As the OIR points out, currently approved IOU TE programs are recovered through distribution rates, which are paid by both bundled and unbundled customers alike.¹⁶ However, to date, Community Choice Aggregators are only able to fund TE programs using revenue collected

¹⁶ See OIR at 12.

through their generation rates. More specifically, each of the Joint CCAs' TE programs described earlier are funded by generation rates paid by the respective CCA's customers, not bundled customers, even though the programs provide broad benefits to California and not just to the CCA's customers. Accordingly, CCA customers are currently paying to support CCA TE programs through their generation rates, while also paying distribution rates to support IOU TE programs.

The Joint CCAs are pleased to use some of the proceeds from their generation rates to offer the numerous TE programs described earlier because the programs benefit customers and are consistent with their missions. However, Community Choice Aggregators should be permitted to fund their TE efforts in the same manner and on the same scale as the IOUs. To put it another way, Community Choice Aggregators should not be foreclosed from offering larger TE programs to their customers simply because the Community Choice Aggregators are not distribution utilities. As will be discussed in more detail below, the Joint CCAs understand that the Commission may address and potentially modify the manner in which TE program funding is collected during this proceeding. Regardless of the ultimate funding mechanism chosen, the Commission should ensure that Community Choice Aggregators can access such funding on an equitable basis.

B. Existing Funding Mechanisms Provide Models and Options to Fund Community Choice Aggregators' TE Programs.

As an example of the sort of equitable funding mechanism that the Joint CCAs envision, Community Choice Aggregators can either apply to administer, or elect to administer, energy efficiency funds for their customers. The Commission should consider developing a similar construct with criteria under which a CCA program could access funds earmarked for TE programs. Similarly, in D.18-06-027, the Commission adopted programs to promote solar

distributed generation in disadvantaged communities (“DAC Solar Programs”) using funds collected from all customers, including CCA customers.

In D.18-06-027, the Commission addressed the issue of whether CCA programs should receive funding opportunities for complementary efforts advanced by CCA programs to develop DAC Solar Programs. In response, the Commission agreed “with CCA parties that the Community Solar Green Tariff program [and DAC-Green Tariff program] should be available to both bundled and unbundled customers.”¹⁷ The Commission reasoned “[t]his is both because both groups of customers pay for the program, and (more to the point) because the potential benefits of the program should not be limited based upon the retail energy choice of customers.”¹⁸ Thus, D.18-06-027 permits CCA programs to “work with Energy Division and the IOU that provides distribution service to its customers to develop and implement their own Community Solar Green Tariffs. . .”¹⁹ CCA Community Solar Green Tariffs programs will be implemented by a Tier 3 advice letter, which ensures Commission authorization and oversight.²⁰

The Commission also recently adopted a resolution that provides further funding and cost-recovery opportunities for Community Choice Aggregators. In Resolution E-4977, the Commission implemented portions of Senate Bill (“SB”) 901 (2018) that provide for extensions of certain bioenergy power purchase agreements using feedstock from high hazard zones for wildfire and falling trees. In recognition of the fact that Community Choice Aggregators may serve as counterparties under these extended agreements, the Commission ordered that “[p]rocurement expenses incurred by a community choice aggregator shall be eligible for cost recovery via the methodology adopted in D.12-18-003...” upon adherence with various

¹⁷ D.18-06-027 at 63.

¹⁸ *Id.* at 87.

¹⁹ *Id.*

²⁰ *Id.*

requirements, including the submittal of a Tier 3 advice letter by the Community Choice Aggregator.²¹

The Joint CCAs are very encouraged by the Commission's recent acknowledgement of the need to equitably fund efforts by Community Choice Aggregators. The Joint CCAs believe that the approaches employed of late for funding, using a Tier 3 advice letter process, could be adapted for the TE space to the benefit of all Californians. The Commission could also consider allowing CCA programs to formally submit applications for funding. This approach would be similar to the approach utilized with energy efficiency program funding. Finally, the Commission could designate a third-party entity to review and award TE funds for specific proposals made by Community Choice Aggregators, similar to how the California Energy Commission ("CEC") presently administers the Electric Program Investment Charge ("EPIC") program.

Utilizing one of these approaches can help ensure that the use of ratepayer funds is maximized in order to achieve the greatest number of benefits in broadly promoting TE efforts and reducing GHG emissions. The Joint CCAs continue to investigate programmatic models to grant Community Choice Aggregators access to these funds based on other California programs—and potentially programs in other states—and look forward to sharing those findings in due course within this proceeding.

C. The Joint CCAs Appreciate the Express Recognition of the TE Cost Allocation Issue.

The Joint CCAs appreciate that the OIR discusses the important issue of cost allocation. Specifically, the OIR notes:

[C]urrently approved TE programs are largely recovered through the distribution rates of all utility customers, regardless of which customers can participate in the programs and how much of the customer-side

²¹ See Resolution E-4977 at 37-38; Ordering Paragraph 6.

infrastructure may be owned and operated by the utilities. As more customers choose to take service from providers other than the incumbent utility (e.g., as customers of Community Choice Aggregators), the Commission should consider how to equitably allocate costs and benefits of clean transportation programs funded by ratepayers.²²

The Joint CCAs are encouraged by the Commission's willingness to explore resolution of this important issue in this proceeding. The Joint CCAs agree that recovery of all TE program costs through distribution rates may not be the most equitable approach, particularly if Community Choice Aggregators do not have access to funding associated with these TE program costs. In this regard, the Joint CCAs have previously argued that TE efforts are closely associated with goals and costs that are generation-related in nature and, accordingly, some portion of the IOU TE costs ought to be allocated to the generation function.²³ This approach is equitable, and consistent with principles of cost causation. However, the Joint CCAs also recognize that TE also serves a public purpose, and therefore it may be more equitable to use the Public Purpose Program ("PPP") charge, or perhaps another mechanism such as EPIC, to allocate some or all of the TE program costs.²⁴

The Joint CCAs look forward to exploring cost allocation issues in depth through the course of this proceeding. The Joint CCAs recognize that there are myriad ways of addressing these cost allocation issues.²⁵ The Joint CCAs' primary concern is not with the precise

²² OIR at 12.

²³ See *Opening Brief of MCE, SCP, Lancaster and SVCE on the Priority Review Transportation Electrification Proposals* in A. 17-01-020 et. al., dated June 16, 2017, at 10-14.

²⁴ The PPP approach was adopted by the Commission with respect to the allocation of costs associated with tree mortality power purchase agreements, including costs incurred by Community Choice Aggregators in support of this directive. (See D.18-12-003 at 24; Finding of Fact 10 ["The PPP charge is an appropriate vehicle for collecting the TM NBC through customer rates."]). See also Resolution E-4977 at 13.)

²⁵ Not mentioned yet is the Commission's previous treatment of demand response program costs, which may serve as another approach that could be considered for TE program costs. The Commission described its approach, which the Commission labeled as the "competitive neutrality cost causation principle," as follows: "In order to combat this barrier [namely, double-payments by CCA customers], the Commission adopted the competitive neutrality cost causation principle whereby a competing utility shall

mechanism through which such TE funds are recovered, but with ensuring that Community Choice Aggregators have equitable access to such funds, and that the costs associated with such funds are equitably allocated.

D. CCA Programs Should Be Taken into Account as the Commission Develops a Holistic Policy for Evaluating EV Programs.

The Joint CCAs are committed to promoting widespread TE deployment in order to reduce GHG emissions, and, as described above, the Joint CCAs have already developed a number of innovative programs in pursuit of this goal. As the Commission develops its TEF for evaluating future TE proposals, it should account for the ability of Community Choice Aggregators to develop TE programs that complement, without duplicating, the IOUs' programs.

The Commission has grappled with this issue previously. The *Community Choice Aggregation En Banc Background Paper*, issued by the Commission's Energy Division Staff in preparation for the February 1, 2017 En Banc hearing ("En Banc Paper") highlighted how "there is currently no mechanism to ensure CCA and IOU [TE] programs are complementary rather than duplicative" and that "[a]s a result, there is a risk that CCA customers will pay for EV programs offered by the IOU and also pay for similar programs offered by their CCA."²⁶ The Joint CCAs agree this issue is important and recommend the Commission's new TEF include a collaborative stakeholder process between Community Choice Aggregators and the IOUs, supervised by the Commission, to ensure that duplication is avoided and that complementary efforts are advanced, to the maximum extent possible.

Other areas of collaboration are necessary, and the Joint CCAs appreciate the efforts made by the IOUs to ensure clarity and a holistic outcome. For example, PG&E clarified and

cease cost recovery from and targeted marketing to a Community Choice Aggregator or Direct Access provider's customers when that provider implements a similar demand response program in the utility's service territory." (D.17-10-017 at 9 [referencing D.14-12-024; Ordering Paragraph 8.b].)

²⁶ En Banc Paper at 10.

agreed that the generation supply for any new EV charging station for PG&E's EV/TE programs would be provided by the relevant Community Choice Aggregator if the location owner is a CCA customer.²⁷

E. CCA Programs Should Be Given A Greater Opportunity to Serve as Marketing, Education and Outreach ("ME&O") Partners.

Fairly reimbursed CCA programs have the potential to be excellent partners in the ME&O space. This proceeding should consider ways by which CCA programs could access funding in order to market and incentivize EV programs in a manner that complements IOU programs, but also allows for a more localized focus. This would ensure that CCA customers are not paying for ME&O twice (once through generation charges paid to the CCA program and once through distribution charges paid to the respective IOU).²⁸

Additionally, the Commission should consider requiring IOUs to adhere to certain requirements when the IOUs are marketing programs that are open to both bundled and unbundled customers. For example, under the Settlement Agreement in PG&E's EV Infrastructure and Education Program (A.15-02-009), PG&E agreed that "[f]or EV charging equipment and service deployment efforts within communities participating in CCA programs, PG&E staff will collaborate and coordinate with the corresponding CCA to further enhance these deployment efforts within these communities. Furthermore, any marketing efforts to promote Charge Smart and Save within such communities will be presented in a manner that highlights the collaborative efforts of PG&E and the resident CCA."²⁹ This approach ensures that customers receiving generation service from a Community Choice Aggregator are aware that

²⁷ See *Joint Motion for Adoption of Settlement Agreement*, in A.15-02-009, dated March 21, 2016, at 11-13.

²⁸ See En Banc Paper at 10.

²⁹ See *Joint Motion for Adoption of Settlement Agreement*, in A.15-02-009, dated March 21, 2016, at 12 (and approved in part by the Commission in D.16-12-065).

their status as a CCA customer does not prohibit them from accessing IOU program offerings. In the past, IOUs and CCA programs have worked together to create messaging that contains the logos of both the CCA program and the incumbent IOU. This approach should be formalized moving forward. Furthermore, language must remain neutral and be endorsed by both the IOU and the CCA program. Therefore, the Joint CCAs recommend that IOUs be required to partner with CCA programs in development of ME&O materials for TE and EV programs. This approach would also be consistent with that agreed to by PG&E in deployment of its Charge Smart and Save program, as described above.

Finally, the Joint CCAs seek to ensure that any potential competitive bias which may come as a result of the IOUs administering TE programs is sufficiently mitigated. In this regard, the Joint CCAs have the same concern as the Legislature, namely, that the inherent market power advantages held by the IOUs (including name recognition through the administration of public purpose programs), should not be used as a deterrent to the development of CCA programs.³⁰ The Joint CCAs look forward to working with the IOUs and the Commission to advance ways to appropriately mitigate the IOUs' inherent market power.

III. PARTY STATUS

The Joint CCAs understand that, in accordance with Rule 1.4(a)(2)(ii), the filing of comments on this OIR allows the Joint CCAs party status in this proceeding. The Joint CCAs hereby request that they individually be given party status, with the party of record listed as following for each of the Joint CCAs:

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³⁰ See, e.g., SB 790 (2011); Section 2(c) and (f).

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IV. CONCLUSION

The Joint CCAs thank Assigned Commissioner Picker and ALJs Doherty and Goldberg for their consideration of the matters discussed herein. The Joint CCAs look forward to collaboratively participating in this proceeding in order to ensure that CCA programs are enabled to serve as effective implementation partners in the TE space moving forward. As discussed

above, the Joint CCAs already have a demonstrated track record of success with respect to TE, and remain ambitious with their TE goals. Moreover, the key role played by Community Choice Aggregators in facilitating and enhancing local engagement and multiagency collaboration has been proven repeatedly. Thus, Community Choice Aggregators are well suited to be effective partners with the IOUs in the quest to reduce GHG emissions via active TE efforts across California.

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